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Attorney's Docket No. 5784-9 (35784/158956)

PATENT

**RESPONSE UNDER 37 C.F.R. 1.116 - EXPEDITED  
PROCEDURE - EXAMINING GROUP 1653**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re: Shirley *et al.* Confirmation No.: 3707  
Appl. No.: 09/285,429 Group Art Unit: 1653  
Filed: April 2, 1999 Examiner: Chih Min Kam  
For: INJECTABLE FORMULATIONS CONTAINING SUCCINATE

February 12, 2003

TECH CENTER 1600/2900

FEB 24 2003

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BOX AF  
Commissioner for Patents  
Washington, DC 20231

Sir:

Transmitted herewith is an AMENDMENT in the above-identified patent application.

- ☐ Applicant claims small entity status. See 37 C.F.R. § 1.27.  
☐ No additional fee is required.

The fee has been calculated as shown below:

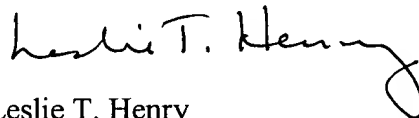
(COL. 1)		(COL. 2)	(COL. 3)	SMALL ENTITY		OTHER THAN A SMALL ENTITY	
CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDIT. FEE	OR RATE	ADDIT. FEE
TOTAL	* 38	** 34	= 4	X9=	\$	X18=	\$ 72.00
INDEP	* 2	*** 2	= 0	X42=	\$	X84=	\$
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				+140=	\$	+280=	\$
				TOTAL ADD FEE \$		OR TOTAL	\$ 72.00

- \* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.  
\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.  
\*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space. The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box in Col. 1 of a prior Amendment or the number of claims originally filed.

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Page 2

- ☐ Please charge my Deposit Account No. 16-0605 in the amount of \$ .
- ☒ A check in the amount \$72 to cover the additional fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge any deficiency in payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 16-0605.
- ☒ Any additional filing fees required under 37 C.F.R. § 1.16 for the presentation of extra claims.
- ☒ Any patent application processing fees under 37 C.F.R. § 1.17.

Respectfully submitted,

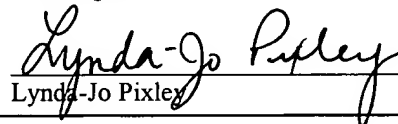


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**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: BOX AF, Commissioner for Patents, Washington, DC 20231, on February 12, 2003.

  
Lynda-Jo Pixley



Attorney's Docket No. 5784-9 (35784/158956)

#25  
Amendments  
PATENT  
3/24/03

RESPONSE UNDER 37 C.F.R. 1.116 - EXPEDITED  
PROCEDURE - EXAMINING GROUP 1653

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AMENDMENT AFTER FINAL ACTION  
PURSUANT TO 37 C.F.R. § 1.116

Sir:

Responsive to the Final Office Action of November 12, 2002, Applicants respectfully request reconsideration of the above-identified application in view of the following amendments and remarks. The Examiner is respectfully requested to enter the following amendments.

In the Claims:

1. (Thrice amended) A sterile injectable pharmaceutical composition comprising a pharmaceutically active agent and a buffer, wherein said buffer consists substantially of succinate at a concentration of 7 mM to 45 mM and a counterion.

3. (Twice amended) The composition of claim 1, wherein the concentration of succinate is 10 mM to 30 mM.

4. (Twice amended) The composition of claim 3, wherein the concentration of succinate is 10 mM to 20 mM.